REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated June 23, 2005 has been received and considered by the Applicants. Claims 1-14 are pending in the present application for invention. Claims 1-14 are rejected by the June 23, 2005 Office Action.

The Drawings are objected to by the Examiner. The Examiner states that Figures 7, 8, 9, 10, 11 and 12 are required to have text labels. Red-lined versions of Figures 7, 8, 9, 10, 11 and 12 are submitted with this response that contains text labels.

The Examiner also objects to the drawings for not showing all the features of the invention. The Applicant, respectfully, points out that "dummy cell" and "buffer cell" are used interchangeably within the present application for invention. The description uses the term "buffer cell"; while the Abstract and the claims employ the term "buffer cell". Therefore, the foregoing amendment to the claims and the Abstract has replaced the term "dummy" with the term "buffer". This amendment was made for clarification purposes and not as a result of a rejection under any statute. Therefore, this amendment should have no affect on the application of the doctrine of equivalents for and of the claims so amended.

Buffer cell is defined on page 3, lines 30-33 of the specification to the present invention as the last cell of a Video Object containing just one Video Object Unit and not being used by any program. Accordingly, Fig. 1 taken with the definition for buffer cell clearly illustrates "recording at the end of a video object a buffer cell that is not being referenced by a playback sequence."

A buffer cell is the last Cell of a Video Object and contains only one Video Object Unit. A Cell is defined as a sequence of one or more Video Objects. Therefore, a Buffer Cell is not completely filled.

The Navigation packs described on page 10, lines 18-22 specify the termination time of the last video frame of the vide object. This termination time is set to a high

number, e.g. the value of the Buffer Cell. Therefore, the Buffer Cell at the end of the video object is effectively a Navigation pack.

The specification is objected to for not describing Figures 6A, 6B, and 6C. The foregoing amendments to the specification have more clearly identified Figures 6A, 6B, and 6C.

Claims 7 and 14 are rejected under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Applicant, respectfully, submits that the "dummy cell" and the "Buffer Cell" are the same things. Therefore, the foregoing description related to Buffer Cell clearly illustrate that the Buffer Cell (or the dummy cell) at the end of the video object is a Navigation pack. Therefore, this rejection is traversed.

The Office Action rejects Claim 1-6, and 8-13 under the provisions of 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,577,812 issued in the name of Kikuchi et al. (hereinafter referred to as Kikuchi et al.). The Examiner alleges that Kikuchi et al. disclose all the elements of the rejected claims including recording at the end of a video object a dummy cell that is not being referenced by a playback sequence. The Applicant, respectfully, disagrees with this assertion made in the Office Action.

Initially, the Applicant disagrees with the assertions contained in the Office Action that the video object as taught by Kikuchi et al. includes a dummy cell at the end of a video object. A Buffer Cell as taught by the present invention is the last cell of the video object containing just one Video Object Unit (VOBU). The Buffer Cell is not used by any Program Chain (see specification page 3, lines 30-33). Therefore, this "dummy" cell is quite literally at the end of the video object. Fig. 9 of Kikuchi et al. clearly illustrates the sequence packs within the VOBU as being a Navigation Pack 86, a Video Pack 88, a Video Pack 88, a Dummy Pack 89, a Sub-picture Pack 90 and an Audio Pack 91. This is a repetitive sequence. Therefore, an Audio Pack is recorded at the end of a cell 84 and not a Dummy Pack 89 as taught by Kikuchi et al.

Furthermore there is no disclosure or suggestion within Kikuchi et al. recording a dummy cell that is not being referenced by a playback sequence. In fact Kikuchi et al.

specifically describes the dummy packs taught therein as being wildcard packs that can become any of an audio, sub-picture, and video packs depending on its purpose.

The description to Fig. 9 beginning on col. 14, lines 66-67 of Kikuchi et al. states that:

> Each dummy pack 89 can be used for recording edit data later.

The above clearly indicates that the dummy pack is being used to edit recording data wherein it most certainly becomes part of the playback sequence.

The description to Fig. 12 beginning on col. 16, line 58 of Kikuchi et al.states that:

> FIG. 12 shows the structure for one dummy pack shown in FIG. 10. That is, one dummy pack 89 is made up of pack header 891, packet header 892 with a predetermined stream ID, and padding data 893 padded with a predetermined code. (Packet data 892 and padding data 893 form padding packet 890). The contents of padding data 893 in a non-used dummy pack are not especially significant. This dummy pack 89 can be appropriately used when the recording contents are to be edited after predetermined recording is done on disc 10 shown in FIG. 2.

The above clearly indicates that the dummy pack is being used to edit recording data wherein it most certainly becomes part of the playback sequence.

It is further stated beginning at col. 17, line 17 of Kikuchi et al. that:

> After the contents of the video tape are edited and recorded on disc 10, when a voice, effect sound, and the like are to be postrecorded (or after-recorded) in each scene in units of VOBU or a background music (BGM) is added, such postrecording (or after-recording) audio data or BGM can be recorded in dummy pack 89. When a comment for the recorded contents is to be added, sub-pictures such as additional characters, figures,

and the like can be recorded in dummy pack 89. Furthermore, when an additional video picture is to be inserted, the inserted video picture can be recorded in dummy pack 89.

The above-mentioned postrecording (or after-recording) audio data or the like is written in padding data 893 of dummy pack 89 used as an audio pack. The additional comment is written in padding data 893 of dummy pack 89 used as a sub-picture pack. Similarly, the inserted video picture is written in padding data 893 of dummy pack 89 used as a video pack.

Incidentally, when the postrecording (after-recording) is predetermined, silent audio data coded in the same manner as the original audio data can be written in the dummy pack. In this case, the original audio data may be recorded as a first steam, and the silent audio data may be recorded as a second steam

More specifically, dummy pack 89 is a wildcard pack that can become any of an audio, sub-picture, and video packs depending on its purpose

The above clearly indicates that the dummy pack is being used to edit recording data wherein it most certainly becomes part of the playback sequence.

Kikuchi et al. teach using Dummy Pack 89 for editing purposes which then clearly becomes part of the playback sequence.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). There is no disclosure or suggestion within Kikuchi et al. recording a dummy cell at the end of a video object a dummy cell that is not being referenced by a playback sequence. There is no disclosure or suggestion within Kikuchi et al. recording a dummy cell at the end of a video object, and there is no disclosure or suggestion within Kikuchi et al. for a dummy cell that is not being referenced by a playback sequence.

In view of the foregoing, this rejection is traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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